

Application Serial No.: 10/792,006
Amendment dated 25 May 2006
Reply to Office Action mailed: February 28, 2006

REMARKS/ARGUMENTS

Claims 1-24 are pending in this application. Claims 1, 2, 4-8, 10-13, 15-19 and 21-24 stand rejected. The Office States the claims 3, 9, 14 and 20 contains allowable subject matter.

CLAIM REJECTIONS

The Office incorrectly rejected Claims 1, 2, 4-8, 10-13, 15-17, and 21-24 as being unpatentable over Asami.

The Office incorrectly states the inverter (12) meets the limitation of a voltage divider module.

The Office has failed to apply the limitations associated with the voltage divider module as recited in the claim. Claim 1 recites *inter alia*:

“a voltage divider module having a CMOS inverter for receiving the difference signal and generating an indication voltage which varies based on a change of time difference between the first and second inputs.” (Emphasis added)

The inverter (12) is not a voltage divider. The output of inverter (12) does in no manner vary based on change of time difference between the first and second inputs as recited in the claim and described in the specification. The inverter (12) simply inverts the output of the NOR gate (11), its voltage is either high or low and does not vary with respect to changing clock offsets.

Asami states:

“he phase comparator 4 is connected to a lock detector 11, comprised of a NOR gate, whose output signal S8 is supplied through two inverters 12 and 13 to an integrator circuit 14...the lock detector circuited 11 generates a pulsed (rectangular wave) lock detecting signal S8” Column 3, ll. 22-30.

Clearly any proper reading of Asami cannot construe the inverter 12 to a voltage divider that has an output signal varies based on change of time difference between the first and second inputs as recited in the claim and described in the specification.

Therefore, the inverter (12) of Asami cannot meet the limitations of Claim 1, or similarly Independent Claims 12 and 21 which similarly recite the limitation.

Additionally, as Claims 4 and 15 depend from Claims 1 and 12 respectively, Asami cannot meet the limitations of Claims 4 and 15, irrespective of the additional patentable subject matter recited therein.

The addition of a CMOS inverter, however improper, as suggested by the Office does nothing to remedy this deficiency, since even a CMOS inverter in Asami would not produce an output that varies in the manner recited in the claims.

The rejection of Claims 1, 4, 12, 15 and 21 as being unpatentable by Asami is improper and should be withdrawn.

Similarly, as Claims 2, 4, 5, depend from independent Claim 1, 12 and 21, their rejections are also improper irrespective of the additional subject matter recited therein.

Furthermore, in the improper rejection of Claim 2 the Office is relying on inherency to teach the capacitor 22 connected to a first or second source of the inverter stating that the source is ground. However, almost always the sources of an inverter are +5v and -5v, (i.e. not ground) therefore it is not inherent that the capacitor is connected to a source of the inverter. Therefore, the rejection of claim 2 fails for additional reasons.

The Office incorrectly rejected Claims 18 and 19 as being unpatentable over Asami in view of Tsinker

Asami does not disclose a voltage divider module that generates an indication voltage which varies. Asami invention outputs a constant square wave. The addition of Tsinker does nothing to divide the deficiencies of Asami, therefore the rejection is improper and must be withdrawn.

CONCLUSION

The inverter of Asami, whether it is a CMOS inverter or not, does not meet the limitations of a voltage divider module as recited in the claims and therefore the rejections based on this reference are improper and must be withdrawn. Furthermore the

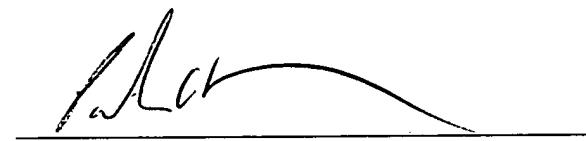
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addition of Tsinker does nothing to obviate the deficiency of Asami and thus the rejections bases on Asami and Tsinker are improper and must be withdrawn.

The Applicant submits that all of the Claims 1-24 are now in condition for allowance and as such requests an early indication of such.

The Office is hereby authorized to charge any appropriate extension fee to Deposit Account No. 04-1679, Duane Morris LLP.

Respectfully submitted,



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